

Senate File 238 - Introduced

SENATE FILE 238
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO SF 83)

A BILL FOR

1 An Act relating to the criminal offense of sexual exploitation
2 by a school employee, and making penalties applicable.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 709.15, subsection 1, paragraph f, Code
2 2017, is amended by striking the paragraph and inserting in
3 lieu thereof the following:

4 *f.* (1) "*School employee*" means any of the following, except
5 as provided in subparagraph (2):

6 (a) A person who holds a license, certificate,
7 authorization, or statement of professional recognition issued
8 under chapter 272.

9 (b) A person employed by a school district full-time,
10 part-time, or as a substitute.

11 (c) A person who performs services as a volunteer for a
12 school district and who has direct supervisory authority over
13 the student with whom the person engages in conduct prohibited
14 under subsection 3, paragraph "a".

15 (d) A person who provides services under a contract for such
16 services to a school district and who has direct supervisory
17 authority over the student with whom the person engages in
18 conduct prohibited under subsection 3, paragraph "a".

19 (2) "*School employee*" does not include a student enrolled
20 in the school district.

21 Sec. 2. Section 709.15, subsection 3, Code 2017, is amended
22 by adding the following new paragraph:

23 NEW PARAGRAPH. *c.* The provisions of this subsection do
24 not apply to a person who is employed by, volunteers for,
25 or provides services under a contract for such services to a
26 school district, if the student is not enrolled in the same
27 school district that employs the person or for which the person
28 volunteers or provides contracted services, and the person
29 does not meet the requirements of subsection 1, paragraph "f",
30 subparagraph (1), subparagraph division (a).

31 EXPLANATION

32 The inclusion of this explanation does not constitute agreement with
33 the explanation's substance by the members of the general assembly.

34 This bill expands the Code provision that establishes
35 the criminal offense of sexual exploitation by a school

1 employee to include a person who holds a license, certificate,
2 authorization, or statement of professional recognition issued
3 by the board of educational examiners; a person employed by
4 a school district full-time, part-time, or as a substitute;
5 and a person who performs services as a volunteer or contract
6 employee for a school district and who has direct supervisory
7 authority over the student with whom the person engages in
8 prohibited conduct.

9 Under the bill, "school employee" does not include a student
10 enrolled in a school district.

11 Currently, a "school employee" is defined to include any
12 practitioner or coach who is licensed or authorized by the
13 board of educational examiners. The current definition does
14 not limit employment to a public or nonpublic school.

15 The bill makes the provisions relating to sexual
16 exploitation by a school employee inapplicable to a person who
17 is employed by, volunteers for, or provides services under a
18 contract for such services to a school district if the student
19 is not enrolled in the same school district that employs
20 the person or for which the person volunteers or provides
21 contracted services, and the person does not hold a license,
22 certificate, authorization, or statement of professional
23 recognition issued by the board of educational examiners.

24 A person who commits sexual exploitation by a school
25 employee in violation of Code section 709.15(3) commits either
26 an aggravated misdemeanor, which is punishable by confinement
27 for no more than two years and a fine of at least \$625 but not
28 more than \$6,250; or a class "D" felony, which is punishable
29 by confinement for no more than five years and a fine of at
30 least \$750 but not more than \$7,500. The person's actions also
31 constitute unprofessional and unethical conduct that may result
32 in disciplinary action by the board of educational examiners
33 and the person must register as a sex offender.